

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 05-0752V

Filed: May 4, 2009

JASON AGRESTI and	)	
KAMLAWATTIE PERSAUD,	)	
as guardians ad litem for their daughter,	)	DO NOT PUBLISH
JAYASHREE AGRESTI,	)	
	)	Attorneys' Fees and Costs
Petitioners,	)	
	)	
v.	)	
	)	
SECRETARY OF	)	
HEALTH AND HUMAN SERVICES,	)	
	)	
Respondent.	)	

### ATTORNEYS' FEES AND COSTS DECISION<sup>1</sup>

**GOLKIEWICZ, Chief Special Master**

Petitioners filed Petitioners' Application for Fees and Costs (hereinafter Fee Appl.) on March 30, 2009. See Fee Appl., filed March 30, 2009. In the fee application, petitioners requested \$41,133.75 in attorneys' fees and \$783.00 in costs. Fee Appl., exhibit 2 at 14. The parties contacted the undersigned's chambers and filed a joint status report on April 27, 2009, stating that, after informal negotiations, petitioners reduced the requested amounts to \$37,000.00 in attorneys' fees and \$283.00 in attorneys' costs. Respondent does not object to these amounts. Joint Status Report, filed April 27, 2009. Petitioners filed petitioners' Statement Regarding Fees and Costs on April 28, 2009, attesting that petitioners did not incur any costs during litigation.

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<sup>1</sup>The undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. Id.

After reviewing the request, the court finds a total award in the amount of \$37,283.00, which represents \$37,000 in attorneys' fees and \$283.00 in costs, to be reasonable. Petitioners' counsel represents that petitioners have not incurred any costs. Accordingly, pursuant to Vaccine Rule 13, petitioners are awarded a total of **\$37,283.00 in attorneys' fees and costs**, all of which shall be made payable jointly to petitioners and petitioners' counsel.<sup>2</sup>

The court thanks the parties for their cooperative efforts in resolving this matter. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment according to this decision.<sup>3</sup>

**IT IS SO ORDERED.**

s/ Gary J. Golkiewicz  
Gary J. Golkiewicz  
Chief Special Master

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<sup>2</sup>This amount is intended to cover all legal expenses. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C.A. §300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) which would be in addition to the amount awarded herein. See generally, Beck v. Secretary of HHS, 924 F.2d 1029 (Fed. Cir. 1991).

<sup>3</sup>Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.